

**DENTISTRY EXAMINING BOARD
SEPTEMBER 1, 2004 MEETING MINTUES**

PRESENT: Lori Barbeau, DDS; Bruce Barrette, DDS; David Carroll, RDH; Keith Clemence, DDS; Nanette Kosydar Dreves, RDH; Wilber Gill, DDS; Karen Jahimiak, DDS; Catherine Schleis, RDH; Richard Strand, DDS

EXCUSED: Judith Ficks

STAFF: Tom Ryan, Bureau Director; Jacquelynn Rothstein, DRL Board Counsel; Kevin Murphy, Bureau Assistant; Sandra Rowe, Deputy Secretary; Elizabeth Reinwald, DRL Budget Director; DOE Staff for portions of the meeting.

GUESTS: Emily Kinsell Berger, WDHA; Grant Lemke; Fred Jaeger, DDS, WDA; Mara Brookes, WDA; Shirley Gutkowski, WDHA

CALL TO ORDER

Chair Bruce Barrette called the meeting to order at 9:40 a.m.

APPROVAL OF AGENDA

Amendments to the Agenda:

Item D – Delete “AADE Name Change”

Application of Afshan Sultan moved under “Examination issues received in the bureau after mailing of the agenda”

Credentialing Report moved under Item B

“Monitoring Report of Dr. Sievert” placed under DOE Monitoring, before Markenson

Addition of Lasee letter to Item C

Addition of Gloe Letter to Item F

Addition of Case Closing Report after Item L

Delete page 123 of the agenda

Pages 125-127 placed under Item C

MOTION: Ms. Dreves moved, seconded by Ms. Jahimiak, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 24, 2004

MOTION: Dr. Barbeau moved, seconded by Dr. Gill, to approve the minutes of June 24, 2004 as drafted. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 7, 2004

On page 8, add Ms. Ficks to list of Board Members planning to attend the AADE meeting in Orlando.

Also on page 8, change “was” to “will” in the motion concerning the June 7th, 2004 letter.

Under the July 23rd letter, change “Dr. Barrette expresses” to “Dr. Barrette expressed.”

On page 13, change “pH. D” to “Ph. D.”

MOTION: Dr. Barbeau moved, seconded by Dr. Gill, to approve the minutes as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

The Bureau Director noted the inclusion of Department and State travel/per diem policies, hoping to respond to any Board questions on the matter. Dr. Barrette then inquired about funding for the travel of three Board Members to the NERB and SERTA exams, noting that these visits need to be scheduled as quickly as possible. The Bureau Director noted the current travel limitations imposed by the tight budget and agreed to follow up on this request.

Dr. Strand stated that the National Uniform Exam is progressing quickly, and stressed the importance of Wisconsin representation and input in the creation of the exam. Drs. Barrette and Gill echoed Dr. Strand’s concerns, stressing that protection of the public hinges on Department funding of necessary Board duties. Deputy Secretary Sandra Rowe responded to the Board’s concerns, and she promised to weigh the importance of each travel request before making a decision for funding.

Credentialing Report:

Dr. Strand delivered the credentialing report. Since the last meeting, the committee has licensed 69 hygienists (63 by exam, 6 by endorsement), and 29 dentists (24 by exam, 5 by endorsement).

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND ADMINISTRATIVE RULES

Krahenbuhl case:

DRL Legal Counsel informed the Board that a stay of its latest order has been granted to Dr. Krahenbuhl. Once a pending motion for substitution of judge is considered, the stay will be reexamined at a hearing. DRL Legal Counsel stated that she will notify Board Members once that hearing date is set. To clarify, DRL Legal Counsel noted that the revocation order has been stayed, but a prior Board order to limit Dr. Krahenbuhl’s license remains in effect.

Conscious Sedation Rule – drafting status:

The Bureau Director and the Board discussed the timeline for the drafting of this rule. The Chair voiced his displeasure at the rule not being scheduled for public hearing in September. The

Bureau Director commented that the rule is on an expedited track, and that a public hearing will be held in November, two months before the legislature reconvenes into session.

Definition of a Dental School Rule – status:

The Bureau Director noted that a public hearing will be held on this rule in November.

WEBSITE POSITION PAPERS – PROCESS DISCUSSION

The Chair appointed Dr. Gill, Ms. Ficks, and Ms. Dreves to draft position papers, bring them to the Board for review, and post them on the Board website. The appointees discussed a realistic time frame for completing the articles. The appointees will report on their progress at the November meeting.

SERTA & NERB SITE VISIT

Dr. Barrette stated the need to pick a site and date for Board Members to visit SERTA and NERB exams.

MOTION: Dr. Gill moved, seconded by Dr. Strand, to grant permission to the Chair to arrange the dates, site locations, and attendees of the NERB and SERTA visits. Motion carried unanimously.

Drs. Strand and Gill again voiced their displeasure with the Department for its reluctance to fund the travel of multiple Board Members to visit NERB and SERTA sites. Dr. Barbeau questioned the prudence of spending Board and Department resources to observe exams that may soon be obsolete, and suggested a request for departmental funding of one Board member rather than three. She then stated that perhaps it would be more sensible to devote those resources to the development of the national exam, if, as Dr. Strand reported, the exam is moving so rapidly. Dr. Barrette stated that, in addition to observing the exams for equivalency, the purpose of the trip is to form relationships with NERB and SERTA examiners.

AADE

Orlando Annual Meeting Funding:

Ms. Dreves has been approved for department funding.

National Uniform Clinical Examination:

Dr. Barrette urged Board Members to review the 25-page memo from Scott Houfek. Dr. Barrette also noted that, upon the implementation of the national exam, regional organizations such as NERB and SERTA will continue to exist. These organizations will serve as venues for administration of the new exam. The Board then discussed projected start dates for the national exam.

**PRESENTATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN
THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST EMMA FUNK, RDH,
BY ATTORNEY JIM POLEWSKI – CASE ADVISOR CATHERINE SCHLEIS, RDH**

Attorney Jim Polewski presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Emma Funk, RDH.

CRDTS REPORT – DR. DICK STRAND

Dr. Strand noted that the CRDTS steering committee will meet in two weeks. In addition, there has been an increase in examinees, and CRDTS is exploring ways to accommodate this increase in numbers. Dr. Strand also reported that this year CRDTS will administer a new endodontics exam and a computerized periodontics exam. Dr. Barrette commented that the prosthetics test has been delayed a year. Ms. Dreves noted two possible changes to the hygiene exam which will be presented to the steering committee: the use of a third validator in cases of conflict, and procedures for recognizing carries.

**PRESENTATION BY CHAIR – WDA TRUSTEE MEETING – 9/10 – GREEN LAKE, WI
– CONSIDERATION FOR BOARD APPROVAL**

MOTION: Dr. Clemence moved, seconded by Mr. Carroll, to authorize Dr. Barrette to present on behalf of the Board at the September 10th WDA trustee meeting. Motion carried unanimously.

PROSTHODONTICS DEFINITION

MOTION: Dr. Strand moved, seconded by Dr. Gill, to include the practice of prosthodontics within the DEB definition of general dentistry. The motion was withdrawn.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Dr. Barbeau moved, seconded by Mr. Carroll, to invite William Skarie, DDS into closed session. Motion carried unanimously.

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to CONVENE TO CLOSED SESSION to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)), to consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1) (b) and Wis. Stat. § 440.205), to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Motion carried unanimously in a roll call vote.

Prior to discussion of the Application of Afshan Sultan, the Board Chair dismissed all DRL staff, excepting the DRL Legal Counsel.

The Board convened into closed session at 10:35 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Dr. Clemence moved, seconded by Ms. Schleis, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 2:20 p.m.

APPLICATION REVIEW – THERESA HEWETT

MOTION: Dr. Gill moved, seconded by Dr. Clemence, to issue a license in the matter of Theresa Hewett. Ms. Schleis abstained from deliberations and voting. Motion carried.

APPLICATION REVIEW – MARY BETH GRAHAM

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to issue a license in the matter of Mary Beth Graham. Motion carried.

APPLICATION REVIEW – KIMBERLY PAJALA

MOTION: Ms. Dreves moved, seconded by Dr. Jahimiak, to issue a license in the matter of Kimberly Pajala. Motion carried.

DELIBERATION OF PROPOSED STIPULATION, FINAL DECISION AND ORDER IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST EMMA FUNK, RDH – CASE ADVISOR CATHERINE SCHLEIS, RDH

MOTION: Ms. Dreves moved, seconded by Dr. Barbeau, to adopt the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Emma Funk, RDH. Ms. Schleis abstained from deliberations and voting. Motion carried.

DELIBERATION OF MONITORING CASES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA

Lee Krahenbuhl, DDS – Sievert monitoring report:

The Board discussed Dr. Sievert's report.

DOE MONITORING:

JAMES MARKENSON, DDS – REVIEW OF THERAPIST LETTER

MOTION: Dr. Barbeau moved, seconded by Ms. Dreves, to have Dr. Markenson's drug screening evaluated by a medical review officer for feedback to the Board. Motion carried unanimously.

MOTION: Dr. Clemence moved, seconded by Dr. Carroll, to require Dr. Markenson to appear at the next meeting. Motion carried unanimously.

DANIEL LARSON, DDS – REVIEW OF SUPERVISING HEALTHCARE PROVIDER SITUATION

MOTION: Dr. Strand moved, seconded by Dr. Jahimiak, to separate the treatment and monitoring of Daniel Larson, DDS. Motion carried unanimously.

DOE CASE STATUS REPORT – CASE CLOSINGS

MOTION: Dr. Clemence moved, seconded by Ms. Schleis, to close case 03 DEN 115 for no violation. Motion carried.

MOTION: Ms. Dreves moved, seconded by Ms. Schleis, to close case 01 DEN 127 for insufficient evidence. Dr. Jahimiak abstained. Motion carried.

MOTION: Ms. Dreves moved, seconded by Mr. Carroll, to keep open case 00 DEN 007 and to close cases 98 DEN 042, 99 DEN 007, 02 DEN 042, 02 DEN 055, 02 DEN 070, 02 DEN 088, 03 DEN 144, 04 DEN 013, and 04 DEN 036 for P7 (Prosecutorial Discretion). Dr. Strand abstained from voting. Motion carried.

APPLICATION OF AFSHAN SULTAN

MOTION: Dr. Clemence moved, seconded by Ms. Schleis, to rescind the motion from the July 2, 2003 which stated: "Keith Clemence moved, seconded by Catherine Schleis, to require all foreign-trained dentists, prior to applying for Wisconsin licensure, would need to: first successfully pass National Boards Part I and II, attend an ADA accredited dental school for a minimum of 2 years, which would result in the candidate receiving a DDS/DDM degree, successfully pass either CRDTS or WREB; and in addition, all foreign trained applicants are acted on by the Credentialing Committee." Motion carried unanimously.

MOTION: Dr. Clemence moved, seconded by Ms. Schleis, to allow Dr. Barrette to appoint a sub-committee of the Board to study foreign trained graduate evaluation programs to determine their acceptability. The subcommittee

will report back to the Board at the November 3, 2004 meeting. Motion carried unanimously.

MOTION: Dr. Clemence moved, seconded by Ms. Scheis, to postpone action on the Afshan Sultan application and all other foreign dentist applications until the November 3, 2004 meeting. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Jahimiak moved, seconded by Ms. Schleis, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 2:40 p.m.

Next Meeting November 3, 2004